

UNITED STATES DISTRICT COURT

for the
Western District of Washington

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
information associated with call number (971)
264-8580 that is stored at premises controlled by
Cellco Partnership, DBA Verizon Wireless

Case No. mj 19-5107

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, incorporated herein by reference.

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 U.S.C. §§ 841(a)(1) & 846	distribution of and conspiracy to distribute controlled substances

The application is based on these facts:

- ☒ See Affidavit of Special Agent Zachary Wills, Drug Enforcement Administration, continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented: ☒ by reliable electronic means; or: ☐ telephonically recorded.

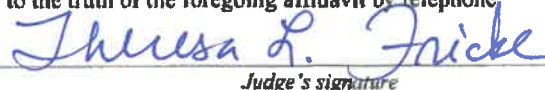


Applicant's signature

Zachary Wills, Special Agent, DEA

Printed name and title

- ☐ The foregoing affidavit was sworn to before me and signed in my presence, or
☒ The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: June 18, 2019


Judge's signature

City and state: Tacoma, Washington

Theresa L. Fricke, United States Magistrate Judge

Printed name and title

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with call number (971) 264-8580 (the “Target Account”) that is stored at premises owned, maintained, controlled, or operated by Cellco Partnership, DBA Verizon Wireless (“Verizon”), a wireless provider headquartered at 180 Washington Valley Road Bedminster, New Jersey 07921.

ATTACHMENT B

Particular Things to be Seized

I. Information to be Disclosed by the Provider

To the extent that the information described in Attachment A is within the possession, custody, or control of Verizon, regardless of whether such information is located within or outside of the United States, and including any messages, records, files, logs, or information that have been deleted but are still available to Verizon or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Verizon is required to disclose the following information to the government for each account or identifier listed in Attachment A:

a. All voice mail, text, and multimedia messages—from June 7, 2019 through the date of execution of this warrant—stored and presently contained in, or on behalf of the account or identifier;

b. All existing printouts from original storage of all of the text messages described above;

c. All transactional information of all activity of the telephones and/or voicemail accounts described above, including log files, messaging logs, local and long distance telephone connection records, records of session times and durations, dates and times of connecting, methods of connecting, telephone numbers associated with outgoing and incoming calls, cell towers used, and/or locations used from June 7, 2019 through the date of execution of this warrant;

d. All text messaging logs, including date and time of messages, and identification numbers associated with the handsets sending and receiving the message from June 7, 2019 through the date of execution of this warrant;

e. All business records and subscriber information, in any form kept, pertaining to the individual accounts and/or identifiers described above, including subscribers' full names, addresses, shipping addresses, date account was opened, length of service, the types of service utilized, ESN (Electronic Serial Number) or other unique identifier for the

1 wireless device associated with the account, Social Security number, date of birth,
2 telephone numbers, and other identifiers associated with the account;

3 f. Incoming and outgoing telephone numbers, from June 7, 2019 through the
4 date of execution of this warrant;

5 g. All records indicating the services available to subscribers of individual
6 accounts and/or identifiers described above; and

7 h. All records pertaining to communications between Verizon and any person
8 regarding the account or identifier, including contacts with support services and records of
9 actions taken.

10 Verizon is hereby ordered to disclose the above information to the government
11 within seven days of service of this warrant.

12 II. Information to Be Seized by the Government

13 All information described above in Section I that constitutes fruits, evidence and
14 instrumentalities of violations of 21 U.S.C. §§ 841(a)(1) and 846 involving LUIS
15 CASTANEDA since June 7, 2019, including, for each account or identifier listed on
16 Attachment A, information pertaining to the following matters:

17 a. Conversations relating to the unlawful sale of narcotics;

18 b. Evidence indicating how and when the cellular device and associated cellular
19 service was used to determine the chronological context of cellular device use, account
20 access, and events relating to the crime under investigation;

21 c. Evidence indicating the geographic location of the cellular device at times
22 relevant to the investigation;

23 d. Evidence indicating the cellular device owner or user's state of mind as it
24 relates to the crime under investigation;

25 e. The identity of the person(s) who created the account associated with the
26 cellular device and/or used the cellular device, including records that help reveal the
27 whereabouts of such person(s); and
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1 f. The identity of the person(s) who sent to and/or received communications
2 from the cellular device about matters relating to the distribution of controlled substances,
3 including records that help reveal their whereabouts.
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2 STATE OF WASHINGTON)
3) ss
4 COUNTY OF CLARK)

5 AFFIDAVIT IN SUPPORT OF
6 AN APPLICATION FOR A SEARCH WARRANT

7 I, Zachary Wills, being first duly sworn on oath, depose and state as follows:

8 INTRODUCTION AND AGENT BACKGROUND

9 1. I make this affidavit in support of an application for a search warrant for
10 information associated with call number (971) 264-8580 (the “Target Account”) that is
11 stored at premises owned, maintained, controlled, or operated by Celco Partnership, DBA
12 Verizon Wireless (“Verizon”), a wireless provider headquartered at 180 Washington
13 Valley Road Bedminster, New Jersey 07921. The information to be searched is described
14 in the following paragraphs and in Attachment A. This affidavit is made in support of an
15 application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and
16 2703(c)(1)(A) to require Verizon to disclose to the government records and other
17 information in its possession pertaining to the subscriber or customer associated with the
18 accounts, including the contents of communications.

19 2. I am a Special Agent with the Drug Enforcement Administration (“DEA”)
20 and have been since September 2016. I am currently assigned to the DEA Portland District
21 Office. My duties include conducting criminal investigations for possible violations of
22 federal law, particularly those found in Title 18 and Title 21 of the United States Code. I
23 have received specialized training from the DEA, including a 19-week Basic Agent
24 Training course. Prior to joining DEA, I was a Police Officer with the Metropolitan Police
25 Department in Washington D.C. for approximately three years. During my tenure with the
26 police department, I worked as a district patrol officer and in the Narcotic Special
27 Investigation Division—Gun Recovery Unit.

1 3. During the course of my law enforcement career, I have participated in
2 criminal investigations of illicit drug trafficking organizations, ranging from street-level
3 dealers to major dealers, including Mexico-based drug trafficking organizations. These
4 investigations have related to, among other things, the possession of narcotics with intent
5 to distribute, distribution of controlled substances, and associated conspiracies. These
6 investigations have involved confidential informants; undercover agents; analysis of pen
7 register, trap and trace, and toll records; physical and electronic surveillance; wiretaps; and
8 the execution of search warrants.

9 4. As part of my investigative experience, I have monitored and reviewed
10 lawfully intercepted conversations regarding the trafficking of cocaine, heroin, and
11 methamphetamine by persons participating in drug distribution activity. I have also
12 interviewed multiple defendants, drug dealers, confidential sources, and customers
13 regarding their drug distribution activities. Through these experiences, I have gained
14 knowledge regarding the various methods, techniques, codes, and/or jargon used by drug
15 traffickers in the course of their criminal activities, including their use of cellular
16 telephones and other electronic devices to facilitate communications while avoiding law
17 enforcement scrutiny.

18 5. I have authored affidavits for and/or executed more than 15 search warrants
19 for locations associated with drug distribution conspiracies, including residences,
20 businesses, storage facilities, outbuildings, safety deposit boxes, and vehicles.
21 Additionally, I have authored multiple tracking warrant affidavits, including federal
22 tracking warrant affidavits for vehicles and cellular telephones. I have testified in grand
23 jury proceedings, and written reports in the course of investigations. These investigations
24 have resulted in successful state and federal prosecutions of individuals who have
25 possessed, imported, or distributed controlled substances, including cocaine,
26 methamphetamine, and heroin, and seizure of illegal drugs and proceeds.

27 6. The facts in this affidavit come from my personal observations, my training
28 and experience, and information obtained from other agents and witnesses. This affidavit

1 is intended to show merely that there is sufficient probable cause for the requested warrant
2 and does not set forth all of my knowledge about this matter.

3 JURISDICTION

4 7. This Court has jurisdiction to issue the requested warrant because it is “a
5 court of competent jurisdiction” as defined by 18 U.S.C. § 2711, 18 U.S.C. §§ 2703(a),
6 (b)(1)(A), & (c)(1)(A). Specifically, the Court is “a district court of the United States . . .
7 that has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

8 PROBABLE CAUSE

9 8. The DEA is conducting a criminal investigation of LUIS CASTANEDA,
10 EMMANUEL CASTANEDA, EZEQUIEL CASTANEDA, and others regarding a
11 conspiracy to distribute controlled substances, in violation of 21 U.S.C. §§ 841(a)(1) and
12 846. In February 2019, DEA agents in Laredo, Texas and Mexico City, Mexico provided
13 DEA in Portland, Oregon with information regarding an individual in Vancouver,
14 Washington suspected to possess large quantities of methamphetamine. According to this
15 investigative lead, the suspected phone number for this individual was (360) 823-7841—
16 believed to be used by EZEQUIEL CASTANEDA (“E. Castaneda Phone #1”).

17 9. DEA agents in Portland queried law enforcement databases, and determined
18 that, in December 2018, Portland Police Bureau (“PPB”) had contact with an individual
19 associated with E. Castaneda Phone #1. PPB identified the individual as EZEQUIEL
20 CASTANEDA JUAREZ. When law enforcement contacted this individual, he was in
21 direct proximity to a black Porsche Cayenne bearing Washington License plate BJS0426
22 (the “Porsche Cayenne”).

23 10. Using this information, law enforcement conducted a controlled purchase
24 from EZEQUIEL CASTANEDA through a confidential source (“CS-1”).¹ On February
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26
27 ¹ CS-1 has worked with the DEA since 2014, and provides information to law enforcement
28 in exchange for monetary compensation. CS-1 has a criminal history that includes a conviction
for possession of a controlled substance, and arrests for assault and domestic violence. In 2015,
CS-1 was convicted of violating a restraining order.

1 26, 2019, CS-1, acting under the direction and supervision of DEA Agents, began placing
2 consensually-recorded phone calls to E. Castaneda Phone #1. During the ensuing phone
3 conversations, CS-1 and EZEQUIEL CASTANEDA negotiated a methamphetamine sale.
4 EZEQUIEL CASTANEDA stated he had "one and a half" for \$6000, and agreed to meet
5 CS-1 on March 1, 2019.

6 11. On March 1, 2019, at approximately 10:40 a.m., CS-1 placed a consensually
7 recorded phone call to E. Castaneda Phone #1 to coordinate a methamphetamine purchase.
8 During the ensuing phone conversation, EZEQUIEL CASTANEDA advised CS-1 that his
9 partner would contact CS-1. Approximately five minutes later, CS-1 received a call from
10 (360) 975-2257, believed to be used by LUIS CASTANEDA ("L. Castaneda Phone #1").
11 CS-1 and LUIS CASTANEDA ultimately agreed to meet at the Vancouver Mall, in
12 Vancouver, Washington, within the Western District of Washington.

13 12. At approximately 12:57 p.m., investigators conducting surveillance at the
14 Vancouver Mall observed the arrival of the Porsche Cayenne. The Porsche parked at the
15 Macy's shopping center, and the driver exited the vehicle. Simultaneously, CS-1 received
16 a call from LUIS CASTANEDA who advised CS-1 that he was at the Macy's in a black
17 Porsche.

18 13. Following the call, CS-1 drove towards the Macy's, and parked near the
19 Porsche Cayenne. The driver of the Porsche, subsequently identified by law enforcement
20 as LUIS CASTANEDA, retrieved a bag from the rear of the Porsche, and walked to the
21 rear of CS-1's vehicle. LUIS CASTANEDA placed the bag on CS-1's rear passenger seat,
22 entered CS-1's front passenger door, and closed the door. After several minutes, LUIS
23 CASTANEDA exited CS-1's vehicle, and departed the location in the Porsche.

24 14. During a post-operation debriefing, CS-1 identified the driver of the Porsche
25 Cayenne from a Washington Driver's License photograph of LUIS CASTANEDA. CS-1
26 explained that, after LUIS CASTANEDA had entered CS-1's car, the CI gave LUIS
27 CASTANEDA \$6000 in DEA-provided buy money.
28

1 15. Agents subsequently weighed and field-tested the substance in the bag that
2 LUIS CASTANEDA provided to CS-1. The substance tested presumptively positive for
3 the presence of methamphetamine, and weighed approximately 1548.1 gross grams,
4 including packaging.

5 16. On March 21, 2019, the Honorable Theresa L. Fricke, United States
6 Magistrate Judge, Western District of Washington, issued a tracking warrant for the
7 Porsche Cayenne, E. Castaneda Phone #1, and L. Castaneda Phone #1.

8 17. Immediately after activating the tracking warrant for E. Castaneda Phone #1,
9 AT&T advised investigators that the device was out of minutes, but would still transmit
10 location data when powered on. Over the ensuing weeks, law enforcement received only
11 intermittent location information for this device. Investigators therefore attempted to
12 identify an additional telephone for EZEQUIEL CASTANEDA. As part of this effort, law
13 enforcement collected toll data for EMMANUELL CASTANEDA's Mexican phone
14 number and WhatsApp account. Law enforcement believes EZEQUIEL CASTANEDA
15 works with his Mexico-based brother, EMMANUELL CASTANEDA, to distribute drugs.

16 18. On March 24, 2019, a cellular telephone assigned call number (210) 929-
17 9785 ("E. Castaneda Phone #2") sent a WhatsApp message to EMMANUELL
18 CASTANEDA from an IP address in or around Vancouver, Washington, where
19 EZEQUIEL CASTANEDA is believed to reside.

20 19. On April 1, 2019, E. Castaneda Phone #2 sent a WhatsApp message to
21 EMMANUELL CASTANEDA from an IP address in or around Philadelphia,
22 Pennsylvania. Location data from E. Castaneda Phone #1 revealed that the device traveled
23 that day from Pennsylvania, to New York, and back to New Jersey. Using this data, New
24 York DEA agents positively identified EZEQUIEL CASTANEDA in New Jersey, driving
25 a 2011 Volkswagen Touareg (the "Volkswagen Touareg").

26 20. On April 2, 2019, the Honorable J. Richard Creatura, United States
27 Magistrate Judge, Western District of Washington, issued a warrant authorizing the
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1 installation of a tracking device on a 1995 Ford F-150 ("the Ford F-150"). Law
2 enforcement determined through surveillance that LUIS CASTANEDA used this vehicle.

3 21. On April 3, 2019, a license plate reader captured a photograph of the
4 Volkswagen Touareg in Houston, Texas. On the same date, E. Castaneda Phone #2 sent a
5 WhatsApp message to EMMANUELL CASTANEDA from an IP address in or around
6 Carrollton, Texas.

7 22. On April 16, 2019, the Honorable J. Richard Creatura, United States
8 Magistrate Judge, issued a tracking warrant for E. Castaneda Phone #2. On May 3, 2019,
9 the Honorable David W. Christel, United States Magistrate Judge, Western District of
10 Washington, issued a tracking warrant for the Volkswagen Touareg.

11 23. On May 17, 2019, investigators conducted a call detail analysis for L.
12 Castaneda Phone #1, and noted that, on May 16, 2019, the device called (866) 793-7723.
13 Investigators determined that the 866 number is a Verizon company line used for the
14 activation of new Verizon Wireless SIM cards and phone numbers. Tracker data from the
15 Ford F-150 revealed that, at or around the time of the call, the vehicle was parked in front
16 of a Target grocery store in Hillsboro, Oregon.

17 24. Investigators reviewed the Target's CCTV footage from the relevant time
18 frame, and observed LUIS CASTANEDA standing at the electronics counter appearing to
19 purchase an item. An employee provided investigators with a receipt from the transaction
20 depicted in the CCTV footage, which revealed LUIS CASTANEDA had purchased a
21 prepaid Verizon cellular phone with International Mobile Equipment Identity (IMEI)
22 number 899864668035813020. Investigators thereafter issued an administrative subpoena
23 to Verizon for information associated with this device. Verizon identified the call number
24 associated with the device as (971) 264-8580, *i.e.*, the call number for the Target Account.
25 According to Verizon, the Target Account became active on May 16, 2019.

26 25. On May 24, 2019, investigators observed, via electronic surveillance, the
27 Volkswagen Touareg and E. Castaneda Phone #2 depart Vancouver, Washington and travel
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1 to New York City, arriving May 27, 2019. After less than an hour, the vehicle and phone
2 departed New York City and traveled to South Carolina, arriving May 28, 2019.

3 26. On May 28, 2019, investigators from Charleston, South Carolina conducted
4 physical surveillance on the Volkswagen Touareg and positively identified EZEQUIEL
5 CASTANEDA as the driver. During the surveillance, investigators observed a meeting
6 between EZEQUIEL CASTANEDA and a second male that lasted approximately two
7 minutes. After the meeting, EZEQUIEL CASTANEDA departed from the meeting
8 location, followed by surveilling officers.

9 27. During the surveillance, South Carolina Highway Patrol effected a traffic
10 stop on EZEQUIEL CASTANEDA operating the Touareg. During the stop, a narcotics
11 detecting K9 was deployed on the exterior of the vehicle, which demonstrated a positive
12 alert for the odor of narcotics. Investigators searched the vehicle, and located \$31,960.00
13 in U.S. Currency as well as three cellular phones. Law enforcement confirmed that two of
14 the cellular phones were E. Castaneda Phones #1 and #2. EZEQUIEL CASTANEDA
15 denied knowing of the large amount of cash in his vehicle and the presence of two of the
16 three cellular phones. Investigators subsequently released EZEQUIEL CASTANEDA
17 from the traffic stop.

18 28. On June 5, 2019, investigators conducted phone toll analysis of L. Castaneda
19 Phone #1, which revealed contacts with a new telephone number—(360) 608-5487 (“E.
20 Castaneda Phone #3”). L. Castaneda Phone #1 had not called E. Castaneda Phone #3 prior
21 to May 28, 2019.

22 29. Investigators issued an administrative subpoena to AT&T, the provider for
23 E. Castaneda Phone #3, which revealed the phone was activated on May 28, 2019—the
24 same day as the traffic stop of EZEQUIEL CASTANEDA and seizure of E. Castaneda
25 Phone #1 and #2. A common call analysis comparing the last 30 days of phone tolls for E.
26 Castaneda Phone #2 to E. Castaneda Phone #3’s tolls revealed 10 common called numbers
27 between the two phones. Furthermore, the call number assigned to L. Castaneda Phone #1
28 was amongst the most frequently contacted numbers for E. Castaneda Phone #3.

1 30. Law enforcement also conducted an analysis of call detail records for the
2 Target Account phone number. This analysis revealed that the number had 10
3 communications with E. Castaneda Phone #2 from May 17, 2019 through May 28, 2019—
4 the day law enforcement seized E. Castaneda Phone #2. Following that seizure, from May
5 29, 2019 through June 4, 2019, the Target Account phone number had contact with E.
6 Castaneda Phone #3 more than 10 times. These two numbers also exchanged four text
7 messages. Based upon these analyses, and the footage of LUIS CASTANEDA purchasing
8 the device associated with the Target Account phone number, I believe LUIS
9 CASTANEDA is the user of (971) 264-8580, *i.e.*, the call number for the Target Account.

10 31. On June 7, 2019, I served a preservation notice on the Provider for the
11 contents of the Target Account.

12 32. Based upon my training and experience, and conversations with, and training
13 from, other officers and agents involved in narcotics investigations, I know the following
14 about drug traffickers and their use of cell phones: Drug dealers use cellular telephones as
15 a tool or instrumentality in committing their criminal activity—primarily, as a means to
16 maintain contact with their suppliers, distributors, and customers, both by voice calls and
17 text messages. For instance, in the present investigation, EZEQUIEL and LUIS
18 CASTANEDA have used cellular phones to communicate with each other, and with the
19 CS regarding drug purchases. I also know it is common for drug traffickers to use multiple
20 telephones, in an effort to elude law enforcement detection.

21 33. Based upon the foregoing, I submit there is probable cause to believe that
22 violations of 21 U.S.C. §§ 841(a)(1) and 846 have been committed by LUIS and
23 EZEQUIEL CASTANEDA, and that LUIS CASTANEDA is currently using the call
24 number for the Target Account. I further submit there is probable cause to search the
25 information described in Attachment A for evidence, instrumentalities, contraband, and/or
26 fruits of these crimes further described in Attachment B.

27 34. In my training and experience, I have learned that Verizon is a company that
28 provides cellular telephone access to the general public, and that stored electronic

1 communications, including retrieved and unretrieved voicemail, text, and multimedia
2 messages for Verizon subscribers may be located on the computers of Verizon. Further, I
3 am aware that computers located at Verizon contain information and other stored electronic
4 communications belonging to unrelated third parties.

5 35. Wireless phone providers often provide their subscribers with voicemail
6 services. In general, a provider will store voicemail messages on behalf of a particular
7 subscriber until the subscriber deletes the voicemail. If the subscriber does not delete the
8 message, the message may remain in the system of Verizon for weeks or months.

9 36. Among the services commonly offered by wireless phone providers is the
10 capacity to send short text or multimedia messages (photos, audio, or video) from one
11 subscriber's phone or wireless device to another phone or wireless device via one or more
12 wireless providers. This service is often referred to as "Short Message Service" ("SMS")
13 or "Multimedia Messaging Service" ("MMS"), and is often referred to generically as "text
14 messaging." Based on my knowledge and experience, I believe that stored electronic
15 communications, including SMS and MMS messages that have been sent or received by
16 subscribers, may be stored by Verizon for short periods incident to and following their
17 transmission. In addition, providers occasionally retain printouts from original storage of
18 text messages for a particular subscriber's account.

19 37. Wireless phone providers typically retain certain transactional information
20 about the use of each telephone, voicemail, and text-messaging account on their systems.
21 This information can include log files and messaging logs showing all activity on the
22 account, such as local and long distance telephone connection records, records of session
23 times and durations, lists of all incoming and outgoing telephone numbers or e-mail
24 addresses associated with particular telephone calls, voicemail messages, and text or
25 multimedia messages. Providers may also have information about the dates, times, and
26 methods of connecting associated with every communication in which a particular cellular
27 device was involved.

1 38. Wireless providers may also retain text messaging logs that include specific
2 information about text and multimedia messages sent or received from the account, such
3 as the dates and times of the messages. A provider may also retain information about which
4 cellular handset or device was associated with the account when the messages were sent or
5 received. The provider could have this information because each cellular device has one
6 or more unique identifiers embedded inside it. Depending upon the cellular network and
7 the device, the embedded unique identifiers for a cellular device could take several
8 different forms, including an Electronic Serial Number (“ESN”), a Mobile Electronic
9 Identity Number (“MEIN”), a Mobile Identification Number (“MIN”), a Subscriber
10 Identity Module (“SIM”), an International Mobile Subscriber Identifier (“IMSI”), or an
11 International Mobile Station Equipment Identity (“IMEI”). When a cellular device
12 connects to a cellular antenna or tower, it reveals its embedded unique identifiers to the
13 cellular antenna or tower in order to obtain service, and the cellular antenna or tower
14 records those identifiers as a matter of course.

15 39. Many wireless providers retain information about the location in which a
16 particular communication was transmitted or received. This information can include data
17 about which “cell towers” (i.e., antenna towers covering specific geographic areas)
18 received a radio signal from the cellular device and thereby transmitted or received the
19 communication in question.

20 40. Wireless providers also maintain business records and subscriber
21 information for particular accounts. This information could include the subscribers’ full
22 names and addresses, the address to which any equipment was shipped, the date on which
23 the account was opened, the length of service, the types of service utilized, the ESN or
24 other unique identifier for the cellular device associated with the account, the subscribers’
25 Social Security Numbers and dates of birth, all telephone numbers and other identifiers
26 associated with the account, and a description of the services available to the account
27 subscribers. In addition, wireless providers typically generate and retain billing records for
28 each account, which may show all billable calls (including outgoing digits dialed). The

1 providers may also have payment information for the account, including the dates, times
2 and sometimes, places, of payments and the means and source of payment (including any
3 credit card or bank account number).

4 41. In some cases, wireless subscribers may communicate directly with a
5 wireless provider about issues relating to the account, such as technical problems, billing
6 inquiries, or complaints from other users. Wireless providers typically retain records about
7 such communications, including records of contacts between the user and the provider's
8 support services, as well records of any actions taken by the provider or user as a result of
9 the communications.

10 42. As explained below, information stored at the wireless provider, including
11 that described above, may provide crucial evidence of the "who, what, why, when, where,
12 and how" of the criminal conduct under investigation, thus enabling the United States to
13 establish and prove each element or alternatively, to exclude the innocent from further
14 suspicion. In my training and experience, the data pertaining to a particular cellular device
15 that is retained by a wireless provider can indicate who has used or controlled the cellular
16 device. This "user attribution" evidence is analogous to the search for "indicia of
17 occupancy" while executing a search warrant at a residence. For example, data collected
18 at the time of account sign-up, information relating to account payments, and
19 communications (and the data associated with the foregoing, such as date and time) may
20 indicate who used or controlled a cellular device at a relevant time. Further, such stored
21 electronic data can show how and when the cellular device and associated cellular service
22 were accessed or used. Such "timeline" information allows investigators to understand the
23 chronological context of cellular device usage, account access, and events relating to the
24 crime under investigation. This "timeline" information may tend to either inculcate or
25 exculpate the cellular device owner. Additionally, information stored by the wireless
26 provider may indicate the geographic location of the cellular device and user at a particular
27 time (e.g., historic cell-site location information; location integrated into an image or video
28 sent via text message to include both metadata and the physical location displayed in an

1 image or video). Last, stored electronic data may provide relevant insight into the state of
 2 mind of the cellular device's owner and/or user as it relates to the offense under
 3 investigation. For example, information relating to the cellular device in the possession of
 4 the wireless provider may indicate the owner's motive and intent to commit a crime (e.g.,
 5 communications relating to the crime), or consciousness of guilt (e.g., deleting
 6 communications in an effort to conceal them from law enforcement).


7 INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

8 43. I anticipate executing this warrant under the Electronic Communications
 9 Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using
 10 the warrant to require Verizon to disclose to the government copies of the records and other
 11 information (including the content of communications) particularly described in Section I
 12 of Attachment B. Upon receipt of the information described in Section I of Attachment B,
 13 government-authorized persons will review that information to locate the items described
 14 in Section II of Attachment B.

15 CONCLUSION

16 44. Based on the forgoing, I request that the Court issue the proposed search
 17 warrant.

18 Respectfully submitted,

19
 20 
 21 Special Agent Zachary A. Wills
 22 Drug Enforcement Administration

23 Subscribed and sworn to before me on June 18th, 2019

24
 25 
 26 THERESA L. FRICKE
 27 UNITED STATES MAGISTRATE JUDGE
 28

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with call number (971) 264-8580 (the “Target Account”) that is stored at premises owned, maintained, controlled, or operated by Cellco Partnership, DBA Verizon Wireless (“Verizon”), a wireless provider headquartered at 180 Washington Valley Road Bedminster, New Jersey 07921.

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Particular Things to be Seized

I. Information to be Disclosed by the Provider

To the extent that the information described in Attachment A is within the possession, custody, or control of Verizon, regardless of whether such information is located within or outside of the United States, and including any messages, records, files, logs, or information that have been deleted but are still available to Verizon or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Verizon is required to disclose the following information to the government for each account or identifier listed in Attachment A:

a. All voice mail, text, and multimedia messages—from June 7, 2019 through the date of execution of this warrant—stored and presently contained in, or on behalf of the account or identifier;

b. All existing printouts from original storage of all of the text messages described above;

c. All transactional information of all activity of the telephones and/or voicemail accounts described above, including log files, messaging logs, local and long distance telephone connection records, records of session times and durations, dates and times of connecting, methods of connecting, telephone numbers associated with outgoing and incoming calls, cell towers used, and/or locations used from June 7, 2019 through the date of execution of this warrant;

d. All text messaging logs, including date and time of messages, and identification numbers associated with the handsets sending and receiving the message from June 7, 2019 through the date of execution of this warrant;

e. All business records and subscriber information, in any form kept, pertaining to the individual accounts and/or identifiers described above, including subscribers' full names, addresses, shipping addresses, date account was opened, length of service, the types of service utilized, ESN (Electronic Serial Number) or other unique identifier for the

1 wireless device associated with the account, Social Security number, date of birth,
2 telephone numbers, and other identifiers associated with the account;

3 f. Incoming and outgoing telephone numbers, from June 7, 2019 through the
4 date of execution of this warrant;

5 g. All records indicating the services available to subscribers of individual
6 accounts and/or identifiers described above; and

7 h. All records pertaining to communications between Verizon and any person
8 regarding the account or identifier, including contacts with support services and records of
9 actions taken.

10 Verizon is hereby ordered to disclose the above information to the government
11 within seven days of service of this warrant.

12 II. Information to Be Seized by the Government

13 All information described above in Section I that constitutes fruits, evidence and
14 instrumentalities of violations of 21 U.S.C. §§ 841(a)(1) and 846 involving LUIS
15 CASTANEDA since June 7, 2019, including, for each account or identifier listed on
16 Attachment A, information pertaining to the following matters:

17 a. Conversations relating to the unlawful sale of narcotics;

18 b. Evidence indicating how and when the cellular device and associated cellular
19 service was used to determine the chronological context of cellular device use, account
20 access, and events relating to the crime under investigation;

21 c. Evidence indicating the geographic location of the cellular device at times
22 relevant to the investigation;

23 d. Evidence indicating the cellular device owner or user's state of mind as it
24 relates to the crime under investigation;

25 e. The identity of the person(s) who created the account associated with the
26 cellular device and/or used the cellular device, including records that help reveal the
27 whereabouts of such person(s); and
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1 f. The identity of the person(s) who sent to and/or received communications
2 from the cellular device about matters relating to the distribution of controlled substances,
3 including records that help reveal their whereabouts.
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